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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [AJ](#)
SUBJECT: AZERBAIJANI HUMAN RIGHTS DEFENDERS ARGUE PRESSURE
AGAINST GOVERNMENT CRITICS IS GROWING

REF: A. BAKU 01532
[1](#)B. BAKU 01255

Classified By: Ambassador Anne E. Derse for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: During a December 28 meeting with the Ambassador, eight of Azerbaijan's leading human rights activists said GOAJ pressure against government critics is rising, with the GOAJ relying on political charges such as espionage, libel, and terrorism to silence or intimidate critics. There was unanimous agreement that the Council of Europe (CoE) should recreate a special rapporteur on political prisoners to reverse this trend. There also was a consensus among the activists that the joint GOAJ-human rights activist task force created in 2005 (when the CoE special rapporteur was abolished) to deal with the political prisoner issue had been helpful, but the institution increasingly is ineffective. Separately, in a December 27 meeting with Farhad and Rafiq Aliyev's defense team, his lawyers maintained that Farhad is a political prisoner who was arrested because of his pro-Western views and the compromising information he had on elites' corrupt dealings. The lawyers are appealing the verdict against Farhad and Rafiq through the Azerbaijani court system and if need be, to the European Court of Human Rights (ECHR). End Summary.

Human Rights Activists: Conditions are Worsening

[1](#)2. (C) The Ambassador met with eight human rights activists on December 28 to hear their perspectives on individuals allegedly imprisoned for political reasons. Participants included: Leyla Yunus, Eldar Zeynalov, Murad Sadaddinov, Elchin Behbudov, Arzu Abdlullayeva, Saida Gojamanly, Saadat Bananyarly, and Novella Jafaroglu. Several activists, including Yunus and Sadaddinov, said that a presidential pardon likely was forthcoming, although it probably would only be a half-measure and not touch on the most serious cases (reftel).

[1](#)3. (C) The majority of activists agreed that the situation has worsened since 2005 concerning the government's willingness to use trumped-up charges to harass or silence government critics. Zeynalov observed that the GOAJ is careful to use more subtle forms of repression to stay off the international community's radar screen, like using charges of espionage, terrorism, or violence to constrain government critics. Gojamanly suggested the GOAJ increasingly feels confident in targeting domestic critics because it believes the West's desire for Azerbaijan's energy resources will mute Western criticism.

14. (C) The majority overwhelming agreed on the need for the Council of Europe (CoE) to re-appoint a special rapporteur on political prisoners with enhanced authority -- ie. the right to raise cases directly with the European Court of Human Rights (ECHR) -- to get the GOAJ's attention. (NOTE: This position originally existed sometime after Azerbaijan joined the CoE in 2001, but the CoE opted not to renew the position in fall 2005; instead, a joint GOAJ-civil society task force was formed to address the issue of political prisoners. Several participants expressed their disappointment with the CoE's decision to eliminate the position in 2005, with Abdullayev characterizing it as a "controversial, disappointing decision.") Specifically, Abdullayev said a new rapporteur should be able to bring suspect cases directly to ECHR and work more closely with human rights defenders. Gojamanly said Azerbaijani activists will lobby the CoE Parliamentary Assembly in January to renew this position and that an individual could be appointed in April 2008.

15. (C) Concerning the task force, participants agreed that it has had a positive impact since it was created in 2005. However, they said that the task force's impact has declined, with the organization being particularly ineffective in 2007. For example, Sadaddinov observed that increasingly, the GOAJ appropriated the task force as a tool to demonstrate to the CoE that it was addressing the problem of political prisoners, while in fact little progress has been made. Commenting on the two different lists of political prisoners that local human rights groups maintain, Zeynalov and Yunus argued that the GOAJ's increasing boldness in pressuring journalists, human rights activists, and critics is more

important than establishing the precise number of political prisoners.

16. (C) Behbudov argued that the situation concerning torture has worsened in terms of the number of suspect incidents and the GOAJ's unresponsiveness to investigate suspect cases that he brings to its attention. Behbudov cited the recent appointment of a new Baku district police chief with a record of torture as a disturbing example of a broader trend of GOAJ indifference toward suspect torture cases. The activists all agreed that the lack of independence in the judicial system is the root of the problem.

Farhad Aliyev's Defense Team

17. (C) The Ambassador met separately with Elton Guliyev, Jamil Hasanli, and Alimardan Sadykhov on December 27 to get an update on their attempts to defend former Minister of Economic Development Farhad Aliyev. Hasanli argued that the verdict against Farhad Aliyev -- who Hasanli claims was arrested for political reasons, including his desire to cooperate with the West and his information about some elites' corrupt dealings -- was not a surprise because the GOAJ largely controls the judiciary. Hasanli maintained that Farhad is a "political prisoner" and raised concern about Farhad Aliyev's heart and blood conditions, complaining that the GOAJ has not responded to his requests for a more qualified medical exam. Hasanli said that Western countries have done little to press for Farhad's release since the trial ended approximately three months ago and requested greater Western activism in advocating for human rights in Azerbaijan -- especially those who are harassed for political reasons or for criticizing the GOAJ.

18. (C) Elton Guliyev said Farhad and Rafiq Aliyev are detained in a Ministry of National Security facility. Guliyev said that Farhad possesses compromising information on several Azerbaijani elites, which worries the GOAJ, but he has kept silent because several unspecified individuals have warned Farhad not to go public with this information.

¶9. (C) Guliyev said the verdict against Farhad and Rafiq is being appealed to the Azerbaijani Supreme Court, and that a case charging the GOAJ with several due process violations (including illegal detention, violation of the right to a defense, torture, and presumption of guilt) has been sent to the ECHR. (NOTE: It is unclear if or when the European Court might decide to hear this latter case.)

¶10. (C) The Ambassador stated that the U.S. is pushing the GOAJ to develop an impartial judiciary, in concert with the CoE. Guliyev argued that the primary problem is systemic impartiality in the judiciary because it is not genuinely independent from the executive, which is a dynamic that cannot be resolved through training or technical assistance alone. In response to the Ambassador's question about the value of the Office of the Ombudswomen, Guliyev said Ombudswomen Elmira Suleymanova is not helpful, suggesting her position was created to deflect international attention from human rights concerns in Azerbaijan. Guliyev was dismissive of the joint GOAJ-Human Rights defenders task force to deal with the issue of political prisoners, stating that the GOAJ perceives the task force as a way to keep this issue from the Parliamentary Assembly of the Council of Europe's (PACE) purview.

¶11. (C) In closing, Guliyev passed a confidential letter (see unofficial Embassy translation below) from Farhad Aliyev to the Ambassador, along with a request for the Ambassador to visit Farhad in prison.

Begin Translation:
Dear Madam Ambassador!

I would like to greet you and extend my congratulations on the occasion of Christmas. We have not had a chance to meet, but I was able to witness your intense activities through media. No doubt, as a progressive citizen of this country I applaud political, economic, security and humanitarian cooperation of Azerbaijan with such a powerful country as the United States. Thus, while I served as a Minister of Economic Development I was trying to:
help maintain democratic values; improve state management system through reforms; abolish monopolies and create healthy competition between private businesses; manage transparently

oil revenues and expenses; develop non-oil sector and regions so to reduce poverty; decrease military and exaggerated investment projects and channel those sources into social projects; develop foreign economic relations, including WTO accession, and closer cooperation with IMF and WB. All of these issues above were discussed at the level of Parliament, Cabinet of Ministers, with the foreign visitors, representatives of WB and IMF, with the Ambassadors of the donor countries and other guests. As an Economic Development Minister my task was to make our country independent, citizens free and the people richer.

Unfortunately, these attempts were not appreciated by some and touched their interests. So they decided to use their allies from Russia and alienate me from political scene, accuse me in "coup" and get me arrested. Short after I was detained, the President named me a "corrupt official, bribe taker and monopolist" and accused in "attempt of coup." Law-enforcement agencies, guided by the President's statement, used all means to "make true" what the President spoke about. Despite my heart problems, I am being kept alone in 7sq.m concrete stuffy cell without direct sunlight, hot in the summer and cold in the winter for over 26 months. They force me to sleep on a metal board. All of my acquaintances, relatives and fellows faced oppressions, many fired, some arrested and some lost their properties. Nowadays, my 76 old mother, 2 underage kids and spouse were kicked out of the apartment and the country house I bought before I became a Minister and they are in an indefinite condition.

At the end of day, officials were not able to proof "coup" allegations and decided to make a deal with me.

I got a proposal on the behalf of the President in trade for my freedom: I should state that I was planning an "orange revolution" with the provocation from US and other western diplomats; confirm that Rasul Gouliyev was planning a coup; pay 100 mln USD; and apologize before the President. It is obvious, that these conditions were fraud and absolutely unreasonable so I declined them. It led to the pressure increase. Haji Mammadov, former police colonel, accused of numerous murder and kidnapping was forced by law-enforcement agencies to state that he killed prominent journalist Elmar Huseynov by my order. During the same period, MNS officers made several unknown injections to me and forcefully moved me to the Health Facility of the Justice Ministry. My persistent attempts and requests to get back to the MNS detention facility failed.

About the same time, Alihuseyn Shaliyev, head of department at MED, died in a strange circumstances and there is not a single person punished for his death up until now. Accusations in Elmar Huseynov's case turned to be a moral torture to me, but I managed to respond and push back this trap. I am facing these deprivations and hardships so I admit the crimes I never committed. Why the government is so much interested to make me admit undone crimes and blackmail US and other countries officials? I am not sure why I happened to be the person to be used for this operation? As they found all their efforts useless and after 18 months of detention, they came up with the new criminal case and accused me of power abuse (economic crimes) and sent this case to the court.

During the trial, as I spoke about the true reasons of my detention, the dirty proposals made to me and other facts, the judges disregarded them telling they are not in a position to investigate these issues, attempted to stop me from speaking or announced a break to avoid hearing. And finally, the institution we name "a court" implemented political order, made unfair decision and imprisoned me for 10 years. The most horrible side of the issue is that the license of the judge, who ruled my trial, expired 2 years ago. As the result of the fraud conduct of my trial, this "judge" got a new license and promotion -- the position of the Khatayi Court Chairman. Many of my rights were violated since the day I was detained. Freedom, defense, innocence presumption, immunity of life, open and fair trial and most of all -- the right to get medical assistance. There were several attempts to the right to life. During 26 months of my arrest we made 233 appeals to the state agencies, but none were solved positively. There were 82 appeals to get medical examination and treatment in an adequate facility, with the relevant lab and equipment, but it has never happened. But the way MNS personnel "treats" me does not make me feel the way I was before detention. They do not let me find out my

true health condition and why it deteriorates. Unfair and brutal mechanisms of the government against me are still valid and I am being kept behind the bars.

Dear Madam Ambassador!

The reason I apply to you, to the Ambassador of the country that promotes human rights and freedoms through the globe, is to request a help to discourage the people who are trying to destroy me from doing so, help me to get immediate examination and treatment and stop the assassination attempts against my right to life and freedom.

With great respect, looking forward to get a chance to meet you to discuss more important issues and hoping also to meet some other US officials.

Farhad Aliyev
24.12.2007

End Translation.

¶12. (C) Embassy agrees that GOAJ pressure against critics of the government, in particular journalists, is growing. Nine of the 20 new political prisoner cases identified by Human Rights Activist Yunus are the journalists of concern that the USG has been monitoring closely. In this context, the December 28 presidential pardon (reftel) is a positive first step. However, the pardon does not solve the more systemic problem of a judiciary that is widely perceived as corrupt and lacking independence from senior administration officials.

¶13. (C) The CoE has the capacity to help the GOAJ address this sensitive issue, and we believe President Aliyev's desire to be "accepted" in western capitals is a genuine CoE leverage point. Aliyev himself, long before becoming President, served as head of Azerbaijan's parliamentary delegation to the CoE. Embassy has worked through the democracy dialogue to address this problem, but we believe a CoE special rapporteur would reinforce our interests in promoting judicial independence. Embassy recommends Washington support a potential CoE decision to recreate the special rapporteur position, but avoid the position being exclusively linked to the "political prisoner" issue, focusing instead on the broader issue of government pressure against critics and encouraging an authentically independent judiciary.

¶14. (C) Embassy welcomes Department guidance whether the Ambassador or other Embassy staff should seek a meeting with Farhad Aliyev.

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